



Notice of Service of Process

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Primary Contact: Elizabeth Monohan
Humana Inc.
500 West Main Street
Louisville, KY 40202

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Entity:	Humana Insurance Company Entity ID Number 1884047
Entity Served:	Humana
Title of Action:	Janell Bracey vs. Humana Insurance Company
Document(s) Type:	Summons/Complaint
Nature of Action:	Contract
Court/Agency:	Warren County Court, MS
Case/Reference No:	18,0825-CO
Jurisdiction Served:	Mississippi
Date Served on CSC:	12/12/2018
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EXHIBIT A

IN THE COUNTY COURT OF WARREN COUNTY, MISSISSIPPI

JANELL BRACEY

PLAINTIFF

VS.

CIVIL ACTION NO.

18 0825-0

HUMANA INSURANCE COMPANY AND JOHN DOES 1-10

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: Humana
United States Corporation Company
7716 Old Canton Road, Suite C
Madison, Mississippi 39110

NOTICE TO DEFENDANT(S)

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Omar L. Nelson, attorney for Plaintiff, whose address is Gibbs Travis PLLC, 210 E. Capitol Street, Suite 1801, Jackson, Mississippi 39201. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court this 19 day of November, 2018.



By: J. H. Daidre D.C.
JAN H DAIDRE, Circuit Clerk, Warren County, MS

REQUESTED BY:

Omar L. Nelson, Esq.

Partner

GIBBS TRAVIS PLLC

210 E. Capitol Street, Suite 1801

Jackson, Mississippi 39201

Telephone (601) 487-2640

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IN THE COUNTY COURT OF WARREN COUNTY, MISSISSIPPI

JANELL BRACEY

VS.

HUMANA INSURANCE COMPANY AND JOHN DOES 1-10

PLAINTIFF

CIVIL ACTION NO.

DEFENDANTS

18,0825-00

COMPLAINT

COMES NOW Plaintiff, Janell Bracey, by and through undersigned counsel of record and files this Complaint against the above defendants and would state unto this Court as follow:

PARTIES

1. Plaintiff is a resident of Warren County, Mississippi.
2. Defendant Humana Insurance Company is a company licensed to do business in this State. Defendant Humana may be served with this Complaint by serving its agent for service of process, United States Corporation Company, 7716 Old Canton Road, Suite C, Madison, MS 39110.
3. Defendants John Does #1-10 are unknown individuals and/or entities liable to Plaintiff for the acts and omissions as alleged herein. The names and capacities of Defendants John Does #1-10 inclusive, whether individual, corporate or otherwise, are presently unknown to Plaintiff, who, therefore sues said Defendants by fictitious names and will further seek leave of this Honorable Court to amend this Complaint to show their true names and capacities when the same are ascertained. Plaintiff alleges upon information and belief each of the defendants designated herein as a Doe is responsible in some manner and liable herein to Plaintiff by reason of bad faith, gross negligence, wanton and reckless misconduct, and/or in some other manner whether alleged herein in this Complaint or not, and by such wrongful conduct, said Defendants, each of them, proximately caused the injury and damages occasioned to Plaintiff herein.

FILED

NOV 19 2018

JAN HYLAND DAIGRE CIRCUIT CLERK

BY

DC

JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter since this civil action arises from the acts of Defendants committed in whole or in part in the State of Mississippi against a resident of the State of Mississippi.

5. Venue is proper in Warren County, Mississippi since the acts, omissions, and/or negligence giving rise to this action substantially occurred in Warren County, Mississippi.

FACTS

6. On March 24, 2017, Plaintiff Bracey sought treatment at the River Region Medical Center (Merit Health) Emergency Department with complaint of lingering cough and throat pain for several weeks. Upon assessment of the emergency room physician, Plaintiff Bracey was diagnosed with an acute upper respiratory infection. She was prescribed Zithromax 250 mg, Guaifenesin AC 10 mg-100 mg/5ml oral syrup, Medrol Dosepak 4 mg oral tablet, and Zyrtec-D 5mg. She was instructed to follow up with her family physician within 1 to 2 days following discharge.

7. At the time of the emergency room visit, Plaintiff Bracey was insured by Defendant Humana Insurance Company. Her member identification number is 10746738901. She provided her insurance information to the hospital upon presentation to the emergency department. Following receiving medical services for her illness, she was subsequently billed for the total cost of the medical services provided by River Region Medical Center (Merit Health) in the amount of \$4,949.72.

8. Subsequent to her visit to the hospital, she was notified by Defendant Humana that her claim had been denied and that she would be responsible for the payment of all of her medical bills regarding the subject visit.

9. Plaintiff Bracey appealed the decision of Defendant Humana to the Grievance and Appeal Department which notified her that Humana would not be able to approve benefits for ER services because her reason for treatment did not meet the criteria for emergency care.

CLAIMS

BAD FAITH **IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING**

10. Plaintiff adopts by reference the foregoing paragraphs.

11. Defendant Humana has failed and refused to honor its obligation to pay benefits afforded Plaintiff pursuant to her policy for the medical services and treatment she received by the emergency department on the subject day.

12. Instead of honoring its obligation, Defendant Humana has attempted to thwart its obligation to pay by relying on its determination that the services rendered did not satisfy its criteria of ER coverage.

13. Defendant Humana's willful failure and refusal to honor its obligation to pay the insurance claim under said policy constitutes bad faith in that neither a legitimate nor arguable reason exists to refuse to pay.

14. Defendant has failed its obligation to deal honestly, fairly and in good faith with Plaintiff so not to interfere with her rights to receive the benefits of her contract with Defendant.

GROSS NEGLIGENCE/PUNITIVE DAMAGES

15. Plaintiff adopts by reference the foregoing paragraphs.

16. Defendant's actions, omissions, and conduct were done without just cause and in reckless, conscious and/or knowing disregard for Plaintiff's rights. Moreover, Defendant's actions, omissions, and conduct constitute gross negligence. Plaintiff requests an award of punitive damages in an amount to deter the Defendant from similar or like conduct in the future.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests a trial by jury and demands from Defendant actual, compensatory, consequential, incidental, and punitive damages, all expenses and costs of this civil action, not to exceed the total amount of \$74,000.

RESPECTFULLY SUBMITTED, this the 8th day of November, 2018.



BY:

OMAR L. NELSON (MSB # 100105)
ATTORNEY FOR THE PLAINTIFF

OF COUNSEL:

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Partner
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